

Remarks

This Amendment is in response to the Office Action dated **June 21, 2010**. The Office Action rejected claims 1, 5-11, 14-16, 18, and 20 over Tu (EP 0269449 A2).

Independent claims 1, 16, and 18 are herein amended. Support for these amendments can be found in the Specification at least in paragraph [0039] of the Published Application, at least in figures 3 and 4 of the Published Application, and in the application as-filed.

In light of the foregoing amendments and following comments, Applicants request reconsideration.

Information Disclosure Statement

The Office Action indicated that JP 10-510196 was not considered due to the submission of only 1 page of the reference. In response, Applicants call attention to the following language submitted on April 2, 2010, along with the IDS:

LETTER REGARDING INFORMATION DISCLOSURE STATEMENT

In regard to the Information Disclosure Statement and copies of foreign references being filed today, please note that EP reference 0269449 is a counterpart of JP reference 63-226361 and that WO reference 96/28115 is a counterpart of JP reference 10-510196.

Applicants therefore believe that the requirements of 37 CFR 1.98 have been satisfied. Although only a single page of JP 10-510196 was submitted, Applicants included, in the IDS, the counterpart WO reference in its entirety (in English).

Nonetheless, a copy of JP 10-510196 is included herewith in its entirety. Moreover, although it is believed that submission of the JP counterpart (JP 10-510196) does not require a fee payment (at least because the counterpart was already submitted), in the event that a fee under 37 CFR 1.97 is required, the Office is permitted to extract such a fee from deposit account no. 22-0350.

Claim Rejections – Section 102

The Office Action rejected claims 1, 5-11, 14-16, 18, and 20 over Tu. Tu discloses “porous flexible radially expanded fluoropolymers and processes for producing the same.” Title of Tu. More particularly, Tu discloses a “process [that] includes the addition of one or more elastomers to the poly(tetrafluoroethylene) resin prior to forming.” Page 2, lines 61-62.

Claims 1, 5-11, and 14-16

Independent claims 1 and 16 are herein amended. Claim 1 recites, in-part:

ePTFE tubular structure being configurable between a first configuration and a second configuration without elastic recovery, said first configuration having a first tubular diameter and a first tubular length and a second configuration having a second tubular diameter and a second tubular length, said first tubular length being greater than said second tubular length and said second tubular diameter being greater than said first tubular diameter.

Claim 16 recites, in-part:

ePTFE tubular structure being configurable between a first configuration and a second configuration without any substantial elastic recovery, said first configuration having a first tubular diameter and a first tubular length and a second configuration having a second tubular diameter and a second tubular length, said first tubular length being greater than said second tubular length and said second tubular diameter being greater than said first tubular diameter.

Tu does not disclose a method of producing such a device. Indeed, Tu specifically states, “[t]he vascular graft is very elastic when the graft diameter is less than its systolic diameter because the elastomer portion of the present invention functions like the elastin in an artery.”

Consequently, Applicants request withdrawal of the rejections of independent claims 1 and 16, and claims 5-11, 14, and 15, which depend from independent claim 1.

Claims 18 and 20

Independent claim 18 is herein amended to recite, in-part, “forming a tube consisting essentially of polytetrafluoroethylene having a luminal surface and an abluminal surface”

Tu does not disclose such a method step. Instead, Tu discloses the step of blending “[a]queous dispersions of poly(tetrafluoroethylene) and a fluoroelastomer” Page 5,

line 23.

Therefore, Applicants request withdrawal of the rejection of independent claim 18 and dependent claim 20, which depends therefrom.

Conclusion

Based on at least the foregoing remarks, Applicants request allowance of claims 1, 5-11, 14-16, 18, and 20. Favorable consideration and prompt allowance of these claims is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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